IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4472 OF 2007
IN
APPEAL NO.996 OF 2003

N.K.Construction P.Ltd.& Ors. .. Appellants
V/s
M/s.Everest Enterprises .. Respondents

Mr.L.C.Tolat i/by Ms.Anita Tripathi for the Appellants.
Mr.A.H.Delhiwala i/by M/s.Kanga & Co.for Respondents.

CORAM : DR.S.RADHAKRISHNAN, &
ANOOP V.MOHTA, JJ.

DATE : 7th December, 2007.

P.C.:

1. Heard the learned Counsel for the partries. By this Notice of Motion, the Appellants are seeking to recall the order dated 28.11.2007 whereby the Appeal was dismissed in default. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of the order dated 28.11.2007. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence the Notice of Motion is made absolute in terms of prayer clause (a).

2. Place the Appeal on board for Settlement on 17.12.2007.

(ANOOP V.MOHTA, J.) **(DR.S.RADHAKRISHNAN, J.)**